

REMARKS

Initially, Applicant would like to thank the Examiner for two telephone interviews held on March 15 and March 18, 2004, respectively.

Pursuant to the Examiner's suggestion, Applicant has amended claim 1 to particularly point out and distinctly claim the subject matter that Applicant regards as his invention.

Applicant has also added new claim 24. Support for the amendment to claim 1 and for new claim 24 can be found, e.g., in Figs 1-4, as well as at page 1, paragraph 2 through page 2, paragraph 2; page 5, paragraph 2; and page 6, lines 1-5.

Claim 1 covers an elevator having a self-supporting shaft scaffold. The Examiner rejects claim 1, as well as claims 4-6, 7, 9, 11, 19-21 and 23 dependent from it, as being anticipated by Rompa, and also rejects claims 2, 3, 7, 9, 10, 12-21 and 23 as being obvious over Rompa or further in view of additional references.

The Examiner contends that "Rompa discloses that the vertical guide elements (4) are fastened to horizontal frame of his device. Since the vertical guide elements are bolted to said frame they will help support said frame... Rompa meets the limitations of claim 1." See paragraph 3, page 7 of the Office Action.

Applicant submits that claim 1, as amended, now more clearly points out a unique feature of the claimed invention. More specifically, it recites the limitation that vertical guide elements, parts of a shaft scaffold, provide the sole vertical support to the shaft scaffold. The vertical guide elements not only serve as vertical guideways for the counterweight and the elevator cabin, but also serve as the sole vertical support to the shaft scaffold. This self-supporting shaft scaffold is formed by connecting the vertical segmental guide elements with the horizontal module-shaped mounting frames.

The Examiner erred in contending that "Rompa does disclose a self-supporting elevator shaft as claimed in claim 1." In the Rompa elevator, guide members 4, i.e. beams 4, are fastened to sections of the shaft to provide accurate guideways for the lift car, not to provide the sole vertical support to the shaft. See column 4, lines 23-30. Indeed, support beams 15 and a base member 42 provide main support to the shaft. See column 1, line 13 through line 24, column 1,

line 38 through line 41; column 2, lines 10-15; and column 3, lines 3-6 and lines 7-11. Clearly, Rompa's shaft is not self-supporting, since the guide members do not provide both the guideways and the sole vertical support to the elevator. As Rompa does not teach an elevator including a self-supporting shaft scaffold recited in claim 1, it does not anticipate claim 1.

For the same reasons, claims 4-6, 7, 9, 11, 19-21 and 23, all dependent from claim 1, are also not anticipated by Rompa.

Not only does Rompa fail to teach a self-supporting shaft scaffold recited in claim 1, it also does not suggest such a scaffold. Neither do the other prior art references cited by the Examiner. Therefore, their combination with Rompa, in any manner, does not make up for the deficiency of Rompa. In other words, claim 1 is not rendered obvious by the cited prior art. Neither are claims 2, 3, 7, 9, 10, 12-21 and 23, all of which depend from claim 1.

New claim 24 also covers an elevator having a self-supporting shaft scaffold, which differs from claim 1 only in that it recites the phrase "consists essentially of" to make it clear that the shaft scaffold is only composed of horizontal mounting frames and vertical segmental guide elements. Claim 24 is therefore, like claim 1, also distinguishable from Rompa and not rendered obvious by the prior art cited by the Examiner.

Applicant submits that the claims, as now amended, more clearly show that Applicant's invention is fully distinguishable, not obvious, and therefore patentable, over the cited prior art references. Early favorable action is solicited in this regard.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicant : Horst Wittur  
Serial No. : 09/509,926  
Filed : April 3, 2000  
Page : 8 of 8

Attorney's Docket No.: 11594-002001 / P 75056 US

Pursuant to 37 CFR § 1.136, applicant hereby petitions that the period for response to the action dated November 19, 2003, be extended for one month to and including March 19, 2004. Enclosed is a check for \$110 for the required fee. Please apply any other charges to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 3-19-04

*Y. Rocky Tsao*  
Y. Rocky Tsao  
Reg. No. 34,053

Fish & Richardson P.C.  
225 Franklin Street  
Boston, MA 02110-2804  
Telephone: (617) 542-5070  
Facsimile: (617) 542-8906

20826597.doc